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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/038,371	01/02/2002	Gerald W. Gibson JR.	47070/MJM/A717	9263
23363	7590 08/08/2002			
CHRISTIE, PARKER & HALE, LLP 350 WEST COLORADO BOULEVARD SUITE 500			EXAMINER	
			GURLEY, LYNNE ANN	
PASADENA, CA 91105			ART UNIT	PAPER NUMBER
			2812	
			DATE MAILED: 08/08/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.

Applicant(s) 10/038,371

Gibson et al.

Office Action Summary

Examiner

Lynne Gurley

Art Unit 2812



A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE		The MAILING DATE of this communication appears	on the cover sheet with the correspondence address				
THE MAILING DATE OF THIS COMMUNICATION. Lettranics of time whe evaleties where the provisione of 37 CFR 1.36 (a). In no event, however, may a right, be trievely filed after SIX (6) MONTHS from the mailing date of this communication. If the provide renty is specified drive, the maximum stantony period will apply and will apply 35 (f) MONTHS from the mailing date of this communication. If NO period for early is applicated drive, the maximum stantony period will apply 35 (f) MONTHS from the mailing date of this communication. If NO period for early is applicated drive, the maximum stantony period will apply 35 (f) MONTHS from the mailing date of this communication. Any pody recombined the fortification is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims A) Claim(s)							
mailing date of the communication. If the period for early specified down is less than thinty (10) days, a reply within the startary minimum of thinty (30) days will be considered timely. If No period for reply is specified down, the meanimum startary period will largely and will early and will be pairs \$87, (ii) MORTING form the mailing date of this communication. If No period for reply is specified down, the meanimum startary period will largely and will early start \$100 MORTING form the mailing date of the communication. If No period for reply is specified down, the meanimum start she mailing date of the communication, even if timely filed, may reduce any search great term adjustment. See 37 CR1 1.704(b). Status 1)							
If the proced for reply specified above is less than thirty (30) days, a mphy within the statutory minimum of thirty (30) days will be considered threaty. If NO proted for reply is specified days, the maximum statutory practive all large of well days size (s) (MDITTE form the mailing date of this communication. Fallute to reply writing this set or extended period for reply will, by distatus, cause the application to become ARAPONEO (35 U.S.C. 133). Apply and the reply writing the set or extended period for reply will, by distatus, cause the application to become ARAPONEO (35 U.S.C. 133). Responsive to communication(s) filed onian 2, 2002 [2a] This action is FINAL. 1) Responsive to communication(s) filed onian 2, 2002 [2a] This action is FINAL. 2b) This action is non-final. 3] Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4) Claim(s)	- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the						
This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. 2 Disposition of Claims 1-24	- If the p - If NO p - Failure - Any re	period for reply specified above is less than thirty (30) days, a reply within the period for reply is specified above, the maximum statutory period will apply as to reply within the set or extended period for reply will, by statute, cause the ply received by the Office later than three months after the mailing date of the ply received by the Office later than three months after the mailing date of the state of th	nd will expire SIX (6) MONTHS from the mailing date of this communication. se application to become ABANDONED (35 U.S.C. § 133).				
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closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4) \(\times \) Claim(s) \(\frac{1.24}{2} \) is/are pending in the application. 4a) Of the above, claim(s)	2a) 🗌	This action is FINAL . 2b) 💢 This acti	ion is non-final.				
Solution							
4a) Of the above, claim(s) is/are withdrawn from consideration. 5]	Disposit	tion of Claims					
Side	4) 💢	Claim(s) <u>1-24</u>	is/are pending in the application.				
Solution	4	a) Of the above, claim(s)	is/are withdrawn from consideration.				
Claim(s)	5) 🗆	Claim(s)	is/are allowed.				
Application Papers	6) 🗆	Claim(s)	is/are rejected.				
Application Papers 9)	7) 🗆	Claim(s)	is/are objected to.				
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on	8) 💢	Claims <u>1-24</u>	are subject to restriction and/or election requirement.				
The drawing(s) filed on is/are a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) □ The proposed drawing correction filed on is: a) □ approved b) □ disapproved by the Examiner If approved, corrected drawings are required in reply to this Office action. 12) □ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) □ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some* c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) □ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) □ The translation of the foreign language provisional application has been received. 15) □ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) □ Notice of References Cited (PTO-892)	Applica	tion Papers					
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3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6) Other:							

Application/Control Number: 10/038,371

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DETAILED ACTION

Election/Restriction

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-15, drawn to a semiconductor device, classified in class 257, subclass 758+.
 - II. Claims 16-24, drawn to a semiconductor process, classified in class 438, subclass 627.
- 2. The inventions are distinct, each from the other because of the following reasons: Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed can be made by another and materially different process, ie a process which does not require the treatment of a surface with an ammonia-containing chemistry.
- 3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
- 4. A telephone call was made to Mark J. Marcelli on 8/1/02 to request an oral election to the above restriction requirement, but did not result in an election being made

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under-37 CFR 1.17(I).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynne A. Gurley whose telephone number is 305-3474. The examiner can normally be reached on Monday-Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John F. Niebling, can be reached on (703) 308-3325. The fax phone number for the organization where this application or proceeding is assigned is 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0956.

LYNNE GURLEY
PATENT EXAMINER
Art Unit 18/2

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